

**To:** Fish, Tonya[Fish.Tonya@epa.gov]  
**From:** Amy Steinmetz  
**Sent:** Fri 4/14/2017 11:03:25 PM  
**Subject:** Amendment of Nutrient Standard Variance Rules and Notice of Public Hearing

A notice of a public hearing ("Montana Administrative Register Notice") for the proposed amendments to Department of Environmental Quality rule ARM 17.30.660 is linked on the following website: <http://deq.mt.gov/Water/WQINFO/nutrientworkgroup>. The proposed amendments are necessary to adopt by reference several proposed changes to Department Circular DEQ-12B (DEQ-12B).

Variances from numeric nutrient standards are intended to prevent substantial and widespread economic impacts to Montana communities. DEQ-12B, the variance circular, was originally adopted in August 2014, and contains wastewater treatment requirements that came from statute (see 75-5-313(5)(b), MCA). This is the Department's first review of the DEQ-12B's wastewater treatment requirements since its adoption. Statute requires a review of the circular every three years.

In between the time that the Department adopted DEQ-12B and today, the U.S. Environmental Protection Agency updated (in August 2015) its regulations regarding water quality standards variances. One of the most important changes to the federal rules was that a highest attainable condition must now be identified when a variance is granted. To comply with the new federal rules, wastewater treatment requirements in the circular must reflect the highest attainable condition as determined, mainly, by economic impact considerations.

Other proposed changes to DEQ-12B include addition of detailed instructions on how variances for permittees in the  $\geq 1$  million gallons per day (MGD) and  $<1$  MGD discharger categories are to be permitted; updates to the nutrient concentrations a permittee receiving a general variance is required to achieve as a monthly average, end of pipe; a change to the way permit limits are determined if the facility's discharge is better than the required concentrations listed in DEQ-12B; addition of a list of nine steps designed to bring permittees into compliance with the required concentrations listed in DEQ-12B as well as a requirement for the Department to establish a schedule for completion of the necessary steps; addition of a requirement for permittees to include a pollutant minimization program; and a requirement that the permittee will have to identify the time it will take to achieve the highest attainable condition and to submit a pollutant minimization plan once the highest attainable condition has been met. These changes are explained further in the attached notice of proposed amendment.

The Department met with its Nutrient Work Group advisory group (or a subcommittee of it) eight times between 9/14/2016 and 3/27/2017 to discuss the necessary changes to DEQ-12B. Most discussions centered on what the highest attainable condition is for different wastewater discharge permit holders. The Department carefully considered the input from the Nutrient Work Group prior to crafting the final treatment requirements for DEQ-12B. Numerous wastewater engineers provided input during these discussions.

An electronic copy of the proposed changes to DEQ-12B, as well as the technical support document explaining the proposed changes to DEQ-12B may also be obtained at the above-linked website. Copies may also be obtained by calling Myla Kelly at (406) 444-3639 or emailing her at [mkelly2@mt.gov](mailto:mkelly2@mt.gov).

You are receiving this email because you have signed up for an interested parties listserv. If you wish to be removed from the listserv, please reply to this email with your request.

Sincerely,

Amy Steinmetz

Water Quality Standards Specialist

MT DEQ

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